

OGC Has Reviewed

12 January 1955

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MEMORANDUM FOR: [REDACTED]

SUBJECT : Effect of LWOP in Excess of 30 Days
on Continuous Service Abroad

1. You forwarded for our consideration EE dispatch [REDACTED] which requested advice as to the effect of leave without pay in excess of 30 days on the concept of two years' continuous service abroad when taken overseas after the exhaustion of available sick leave. The specific case submitted was that of a staff employee who, incident to the complications accompanying her pregnancy, took maternity leave of several months' duration.

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2. [REDACTED], par. 6 (Maternity Leave) indicates that there is no limitation as to the amount of maternity leave that may be granted in a proper case and that it may consist of sick and annual leave and leave without pay. Further, [REDACTED] par. 10 (Leave Without Pay) indicates that in cases of illness or injury, LWOP may be granted whether or not the employee has annual or sick leave to his credit; that with respect to employees assigned abroad, it does not break the continuity of service in qualifying for leave under section [REDACTED] of the CIA Act of 1949, nor does it require that the employee's tour be extended. Accordingly, the suggestion set forth in the dispatch to the effect that LWOP exceeding 30 days taken abroad after the exhaustion of sick leave does not constitute a break in the continuous service is correct, with the addition that the tour is not thereby extended.

3. The Comptroller General's decision B-93365 of 16 March 1950 cited in the dispatch is an unpublished decision, copy of which is attached. Present Agency regulations relating to LWOP and "continuous service" are based on this decision and the subsequent consideration given these matters by this office.

4. We can also advise that the [REDACTED] of [REDACTED] is presently being coordinated and its publication in the near future can be expected. The papers are returned.

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[REDACTED]
Office of General Counsel

Attachments

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ORIGINAL DOCUMENT MISSING PAGE(S):

ATTACHMENT missing